

IN THE UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF DELAWARE

HESTAL LIPSCOMB )  
                    )  
                    Plaintiff, )  
                    )  
                    v.                 ) Civil Action No. 05-477-SLR  
                    )  
ELECTRONIC DATA SYSTEMS )  
CORPORATION              )  
                    )  
                    Defendant. )

CLERK'S TAXATION OF COSTS

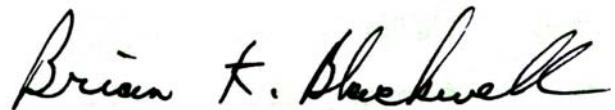
The Honorable Sue L. Robinson entered judgment in favor of defendant, Electronic Data Systems Corporation, and against plaintiff, Hestal Lipscomb, on November 30, 2006 (DI 54). An appeal may be filed within 30 days after the entry of the judgment, in accordance with Rule 4 of the Federal Rules of Appellate Procedure. Defendant filed a notice of appeal on December 18, 2006 (DI 56). Plaintiff filed a bill of costs on January 3, 2007 (DI 60).

The Clerk of Court may tax costs in accordance with District Court Local Rule 54.1 (amended January 1, 1995). Local Rule 54.1(a) states in part; "The party in whose favor a judgment or decree for costs is awarded or allowed by law, and who claims costs, **shall within ten (10) days after the time for appeal has expired or within ten (10) days after the issuance of the mandate of the appellate court**, serve on the attorney for the adverse party and file with the Clerk of this Court a bill of costs..." (Emph. added).

The Court's docket reflects the appeal is presently pending before the Third Circuit Court of Appeals (DI 58). The docket does not reflect the issuance of any appellate court mandate. The Clerk finds the bill of costs was filed prematurely [L.R 54.1(a)]. Therefore, the bill of costs is denied.

Dated: August 22, 2007

Peter T. Dalleo, Clerk  
U.S. District Court for  
the District of Delaware



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By Brian K. Blackwell  
Deputy Clerk

cc: The Honorable Sue L. Robinson  
Laurence V. Cronin, Esq.  
Jennifer C. Jauffret, Esq.  
Peter T. Dalleo, Clerk